Remarks

In the Office Action, the Examiner has rejected Claims 1-14, 26, 29-32, 34-36 and 38-42 under 35 U.S.C. §112 as being unpatentable over US Patent 4,983,247 (Kim) in view of US Patent 6,369,157 (Winckler et al). It is submitted that Winckler does not teach a blend of thermoplastic and the oligoester. Winckler teaches replacing the polyester polymer with a macrocyclic polyester oligomer to make articles using molding techniques. To combine Winckler with Kim would cause the resin-rich layer 12 of Kim be replaced with a macrocyclic polyester oligomer/catalyst component of Winckler. It does not teach one to use both the resin-rich layer and the macrocyclic polyester oligomer because that defeats the teaching of Winckler. Winckler says in column 1, lines 35-38, that you use the macrocyclic polyester oligomer because it exhibits low melt viscosity allowing them to impregnate a dense fibrous preform easily. If you sought to combine the references as suggested by the Examiner, then the advantage of using Winckler is lost because you have to heat and compress the combination of the polyester resin, fibers and macrocyclic polyester oligomer. Since the macrocyclic polyester oligomer is now on the outside surface of the present invention, the thermoplastic resin must reach at least its glass transition temperature and preferably its melt temperature to make the composite.

In regard to Claims 43-54, the Examiner states that Winckler teaches the formation of multi layer laminates as required by Claims 43 and 47. Although these claims are not specifically rejected in the Final Office Action under paragraph number 3 on page 2, it is presumed that the Examiner is rejecting these claims under Kim in view of Winckler. The undersigned makes this presumption because in the paragraph at the middle of page 5 the Examiner concludes that the combined teachings of Kim and Winckler would have rendered obvious the invention as claimed in Claims 1-14, 26, 29-32, 34-36, and 38-54.

It is noted that the Examiner did not reject Claim 37. It would seem therefore that Claims 1, 36 and 37 could be amended into a single independent claim which would skirt

the rejection of Kim and Winckler. Would the Examiner please indicate if Applicant's understanding is correct?

On page 6 of the Office Action the Examiner has rejected Claims 1-9, 13, 30-31, 34-37, 43 and 47 under the provisional non-statutory obviousness type double patenting as being unpatentable in view of Claims 1-5, 9-16 and 19-23 of copending application number 11/141,238. Upon the issuance of either application, this double patenting rejection can be obviated by a Terminal Disclaimer.

Summary Interview Record

On December 17, 2007, the undersigned telephoned Examiner Jill Gray and discussed Claim 8 and the addition of the word "and" before the word "woven". The Examiner did indicate that this would obviate the objection. It was not discussed as to whether the Examiner would enter this Amendment for purposes of Appeal.

In view of the Amendment to Claim 8 and the comments set forth above, it is submitted that this Amendment should be entered for purposes of Appeal. Moreover, the Examiner is requested to state whether Claim 37 is covered by the rejection of Kim in view of Winckler (although nothing has been said specifically concerning Claim 37) or if the Examiner were to incorporate Claims 1, 36 and 37 if this would make the case allowable. If it would make the case allowable, the undersigned could also submit a Terminal Disclaimer to overcome any double patenting of rejection.

Respectfully submitted,

Jason S. Miller
Attorney for Applicant – Reg. No. 44,241
CLEMENTS | WALKER
1901 Roxborough Road, Suite 300
Charlotte, NC 28211 USA

Phone: 704-790-3600
Fax: 704-366-9744
jmiller@worldpatents.com

JSM/nb

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